S.B.CIVIL WRIT PETITION NO.5048/2007

Bhanwarlal
v.
Girdharilal & Ors.

Date of Order :: 22nd August, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. N.K.Rastogi, for the petitioner.

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By this petition for writ validity, propriety and correctness of the order dated 7.2.2006 passed by learned Rent Appellate Tribunal, Bhilwara is questioned. The Rent Appellate Tribunal by order aforesaid affirmed the order dated 5.11.2004 passed by the Rent Tribunal, Bhilwara directing the petitioner to make payment of revised rent to the respondent plaintiff @ Rs.1185/- per month w.e.f. 11.3.2004.

The contention of counsel for the petitioner while assailing validity of the order passed by the appellate court as well as by the trial court is that the respondent plaintiff could not have been treated as landlord prior to the date of execution of partition deed relating to premises in question.

I do not find any substance in the contention so raised. The trial court as well as the appellate court in quite unambiguous terms held that

the premises in question is ancestral property and the plaintiff respondent acquired title over that as a consequent to the family settlement. It is also held that even the petitioner defendant nowhere made any allegation about genuineness of the partition deed. I am of the considered opinion that the learned courts below rightly held the plaintiff respondent as landlord of the premises and, thus, no interference in the orders impugned is warranted under Article 227 of the Constitution of India.

The writ petition is according dismissed.

(GOVIND MATHUR),J.

Kkm/ps.